

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**FUNMILAYO ADETIMEHIN,**  
**Plaintiff,**

**v.**

**HEALIX INFUSION THERAPY, INC.,**  
**Defendant.**

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**C.A. NO. 4:14-CV-00334**

**JURY DEMAND**

**PLAINTIFF'S MOTION AND MEMORANDUM IN SUPPORT OF RECONSIDERATION  
OF SUMMARY JUDGMENT**

Plaintiff asks the Court to reconsider the summary judgment entered against her, as authorized by Federal Rule of Civil Procedure 59.

**A. INTRODUCTION**

1. Plaintiff is FUNMILAYO ADETIMEHIN, defendant is HEALIX INFUSION THERAPY, INC.,
2. Plaintiff sued Defendant for discrimination based on her disability under the Americans with Disability Act as amended.
3. Court granted Defendant's motion for summary judgment which was entered on April 7, 2015.
4. Plaintiff files this motion for reconsideration and asks the Court to deny the summary judgment.
5. The clerk entered judgment on April 7, 2015. Plaintiff files this motion on May 5, 2015.

**B. FACTS**

6. Plaintiff was discriminated for her disability under the Americans with Disability Act, as amended.

7. Nicole Levigne, former employee of Healix, had same position as Plaintiff and was accommodated by being allowed to work part-time hours for more than 3 months.  
*See Exhibit 1.*

**C. ARGUMENT**

8. The Court should grant Plaintiff's motion for reconsideration for the following reasons:
- a. Plaintiff was discriminated for her disability under the American with Disability Act, as amended.
  - b. Nicole Levigne, Kelley Adams and other former co-workers were given preference and accommodations of part-time work.

**D. CONCLUSION**

9. For the above reasons, the Court should grant Plaintiff's motion for reconsideration and deny summary judgment.

Respectfully submitted,

**LAW OFFICES OF KEITH LOVELACE**

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**ATTORNEY FOR PLAINTIFF,  
FUNMILAYO ADETIMEHIN**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been on counsel of record through the court's CM/ECF e-mail notification system in accordance with the Federal Rules of Civil Procedure on this 5th day of May 2015.

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HEALIX INFUSION THERAPY, INC.**

/s/ Keith Lovelace  
Keith Lovelace